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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,721	09/22/2000	Victor Kaufman	2718.1	2233

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EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,721

Applicant(s)

KAUFMAN, VICTOR

Examiner

Daniel S Felten

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt of the Amendment filed March 22, 2004 amending claims 1, 4 and 7-16 is acknowledged. Claims 1-16 are pending in the application and are presented to be examined upon their merits.

Response to Arguments

2. Applicant's arguments filed March 22, 2004 have been fully considered but they are not persuasive. It is respectfully submitted that the applicant is not only responsible for the citations relied upon the Examiner but for what the applied prior art teaches as a whole. Applicant has amended the claim language to read "*a registered fixed price interest* in a share of proceeds received by an intermediary...a payout made pursuant to a contractual interest sold by an entertainment company...where such payout is related *to profits made by* the Entertainment Production..." Keiser teaches an index of Hollywood Bonds or "Starbonds" (see Keiser, col. 3, ll. 10+; fig. 4, ll. 52+; col. 4, ll. 43+; and Hollywood Stock Exchange website) that are traded on the Hollywood Stock exchange.

In general a bond is a loan that pays interest over a fixed term, or period of time. When the Bond matures at the end of the term, the principal, or investment amount, is repaid to the lender, or the owner of the bond.

Typically, the rate at which interest is paid is fixed at the time the bond is offered for sale. When a company or government wants to raise some cash it offers the public

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an opportunity to invest for a fixed period of time at a specific rate of interest. This common practice is known as *floating a bond*. It would have been obvious for an artisan at the time of Keiser to be familiar with this notoriously old and well-known concept and have used within the invention as an extension to the teaching of Hollywood Bonds or Starbonds.

Additionally, bonds are registered to provide to identification information to buyers to buy or sell bonds. It would have been obvious for an artisan to provide a database to identify owners of bonds based upon their registration number. Thus the rejections using Keiser are maintained and are provided below with the new claim language.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keiser et al (US 5,950,176).

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Re Claims 1, 4, 7-10, 13-16:

Keiser discloses a system, comprising:

a transaction server for transmitting and generating network data for a display of a bid to purchase *registered fixed-price* (see Bonds) interest in a share of the proceeds received by an intermediary, such proceeds being made related to a payout pursuant to a *contractual* interest sold by an entertainment company, where such payout is related to the profits made by of the Entertainment Production, said transaction server adapted to transmit such data via a network (see Keiser, Abstract; col. 3, ll. 10+; col. 4, ll. 43+; col. 1, ll. 40-47; col. 2, ll. 62 to col. 3, ll. 50); and

having and receiving a plurality of information appliances, each adapted to receive via the network such data, and further adapted to transmit to the transaction server via the network, a user acceptance of such an offer and processing at the transaction server the acceptance data (see Keiser, col. 2, ll. 18+; and col. 4, ll. 18+).

Keiser fails to disclose an offer to purchase. However, it is inherent within the Keiser invention that the definition of a bid precludes the fact that a person has made an offer to purchase because of fulfillment of the general requirements that constitute an offer, those being: (1) a communication of the proposal to the intended offeree, (2) an indication of what the offeror and offeree are to do, (3) binding of the bid upon acceptance of offeree. Thus an artisan of ordinary skill in the art would have recognized that the disclosed bids made within the Keiser invention are art recognized equivalence

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to the offers disclosed by applicant, having no unexpected results to one of ordinary skill in the art.

Re Claims 2 and 5:

Keiser discloses wherein said data further comprises an electronic link to a display of information regarding an entertainment company (see col. 2, ll. 32-61).

Re Claims 3 and 6:

Keiser discloses wherein the network comprises the Internet (see col. 3, ll. 54-64).

Re Claim 11 and 12:

Keiser discloses an apparatus comprising: an information appliance comprising a user operable input device, an output user interface for enabling a user to perceive information, memory for the storage of programs and data and a processor for the execution of program steps 12 (see Keiser, fig.1, client computer, col. 3, ll. 54+; also see explanation for claim 1);

said memory including program steps for generating a display, and further including display data received via a network from a transaction server, which display data communicates an offer to purchase, via the output user interface, a first interest in a share of the proceeds received by an intermediary, such proceeds being related to a payout made pursuant to a second interest sold by an entertainment company, where

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such payout is related to the performance of the Entertainment Production, and which display data enables the user to accept such a bid via the user operable input device for transmission via the network to a transaction server (see Keiser, col. 4, ll. 18+; and explanation to claim 1 above).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF
June 7, 2004

Daniel S Felten
Examiner
Art Unit 3624



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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